

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE, ET AL.,

Plaintiffs,

v.

TATE REEVES, in his official capacity as
Governor of the State of Mississippi, ET AL.,

Defendants.

Case No. 3:23-cv-272-HTW-LGI

**PLAINTIFFS' MOTION FOR LEAVE
TO FILE SURREPLY IN
OPPOSITION TO STATE
DEFENDANTS' MOTION TO
DISMISS FOR LACK OF SUBJECT-
MATTER JURISDICTION**

Plaintiffs respectfully move for leave to file the attached Surreply in Opposition to State Defendants' Motion to Dismiss for Lack of Subject-Matter Jurisdiction.

Defendants' Rebuttal in Further Support of State Defendants' Motion to Dismiss for Lack of Subject-Matter Jurisdiction (Dkt. 157) invokes for the first time Rule 62.1's procedures for an indicative ruling on a motion for relief pending appeal. *See id.* at 2, 5-7. Defendants' arguments under that Rule were available to them when they filed their Motion to Dismiss, yet their Motion did not rely on that Rule. *See* Dkt. 151 (citing Fed. R. Civ. P. 12(b)(1) and 12(h)(3)). Nor did their 17-page Memorandum of Authorities mention the Rule. *See* Dkt. 152.

Plaintiffs seek a fair opportunity to respond to Defendants' new arguments under this Rule. Accordingly, Plaintiffs respectfully request leave to file the attached Surreply, which addresses only Defendants' invocation of Rule 62.1.

Respectfully submitted this 14th day of February, 2024.

/s/ Mark H. Lynch

Eric H. Holder, Jr. ,* DC Bar # 303115
Megan A. Crowley,* DC Bar # 1049027
Gary S. Guzy,* DC Bar # 375977
Mark H. Lynch,* DC Bar # 193110
Brenden J. Cline,* DC Bar # 1021317
David Leapheart,* DC Bar # 1032122
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street NW
Washington, DC 20001
Tel: (202) 662-6000
Fax: (202) 662-6291
eholder@cov.com
mcrowley@cov.com
gguzy@cov.com
mlynch@cov.com
bcline@cov.com
dleapheart@cov.com

Counsel for NAACP

**Pro Hac Vice*

/s/ Carroll Rhodes

Carroll Rhodes, MS Bar # 5314
LAW OFFICES OF CARROLL RHODES
POST OFFICE BOX 588
HAZLEHURST, MS 39083
Telephone: (601) 894-4323
Fax: (601) 894-1464
crhode@bellsouth.net

Joe R. Schottenfeld,* DC Bar # 1735796
**NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED
PEOPLE**
4805 Mt. Hope Drive
Baltimore, MD 21215
Tel: (410) 580-5777
Fax: (410) 358-9350
jschottenfeld@naacpnet.org

Counsel for All Plaintiffs